

## DOCUMENT TRANSMITTAL FORM

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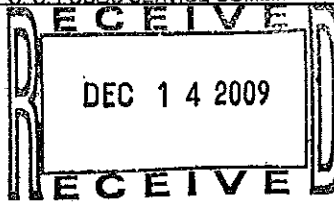
Agency Name Public Service Commission	1. Chapter Number 103	2. Date of Filing December 14, 2009
3. Regulation Number 26 S. C. Code Ann. Regs. 103-102(5) 26 S. C. Code Ann. Regs. 103-102(31) 26 S.C. Code Ann. Regs. 103-102(32)	4. Subject of Regulation Charter Bus, Equipped to Carry, and Passenger	

## 5. Statutory Authority

S.C. Code Ann. Section 58-3-140

S. C. PUBLIC SERVICE COMMISSION

## 6. Type of Filing

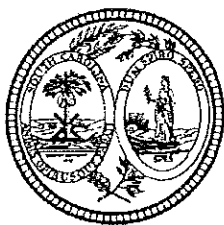
☐ NOTICE OF GENERAL PUBLIC INTEREST☐ NOTICE OF DRAFTING☐ PROPOSED REGULATION☐ EMERGENCY REGULATION☒ FINAL REGULATION FOR GENERAL ASSEMBLY REVIEW☐ RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW☐ FINAL REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW

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Posted: lod  
Dept: S.A. / ORS  
Date: 12/14/09  
Time: 11:40

5. For Additional Information, Contact Jocelyn G. Boyd		6. Telephone Number 896-5114
7. Typed Name of Official Jocelyn G. Boyd	8. Signature of Official 	9. Date December 14, 2009

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10. For publication in SR Volume _____ Issue _____ Document Number _____ Verification: _____	OFFICIAL FILING STAMP DEC 14 2009 S.C. LEGISLATIVE COUNCIL



## *The Public Service Commission State of South Carolina*

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December 7, 2009

The Honorable Andre Bauer  
President of the Senate  
State House, 1<sup>st</sup> Floor  
East Wing  
P.O. Box 142  
Columbia, South Carolina 29202

Dear Lieutenant Governor Bauer:

The South Carolina Public Service Commission is respectfully submitting Document No. 4073 relating to the definition of charter bus, the phrase "equipped to carry", and the word "passenger" for legislative review. Inquiries regarding these regulations should be addressed to Jocelyn Boyd or David Butler at (803) 896-5100.

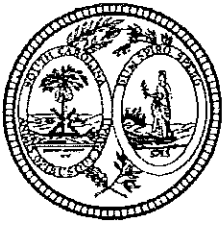
Thank you for your attention regarding this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles L.A. Terreni", is written over a circular stamp that contains the words "Respectfully Submitted".

Charles L.A. Terreni  
Chief Clerk and Administrator

Enclosure



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December 7, 2009

The Honorable Robert William Harrell  
Speaker of the House of Representatives  
506 Blatt Building  
Columbia, South Carolina 29211

Dear Mr. Speaker:

The South Carolina Public Service Commission is respectfully submitting Document No. 4073 relating to the definition of charter bus, the phrase "equipped to carry", and the word "passenger" for legislative review. Inquiries regarding these regulations should be addressed to Jocelyn Boyd or David Butler at (803) 896-5100.

Thank you for your attention regarding this matter.

Respectfully Submitted,

Charles L.A. Terreni  
Chief Clerk and Administrator

Enclosures

Document No. 4073  
**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**  
CHAPTER 103  
Statutory Authority: 1976 Code Section 58-3-140

103-102(5) – Charter Bus.  
103-102(31) – Equipped to Carry.  
103-102(32) – Passenger.

**Synopsis:** The Public Service Commission of South Carolina (Commission) has promulgated a regulation that amends the definition of a charter bus. Additionally, the Commission has promulgated regulations that define the terms “equipped to carry” and “passenger.” The purpose of amending Regulation 103-102(5) regarding the definition of a charter bus is to make the language in this regulation consistent with the language defining a limousine in Regulation 103-102(15) by adding the phrase “equipped to carry” to the charter bus definition. Additionally, this proposed regulation deletes language that states a limousine shall not be considered to be a charter bus. The current definition of a limousine is clear. Additionally, the phrase “equipped to carry” is used in the Commission’s regulations; however it is not currently defined in the regulations. Thus, the proposed definition will provide jurisdictional utilities and the public with a definition of this term. Further, the word “passenger” is also currently used in the Commission’s regulations; however, it is not defined. The proposed definition will cure this problem. The Notice of Drafting regarding these regulations was published on January 23, 2009, in the State Register.

**Instructions:** Print the regulations in accordance with directions given to reflect amended regulation and new regulations.

103-102(5). Print this amended regulation as outlined below.  
103-102(31). Print this new regulation as shown below.  
103-102(32). Print this new regulation as shown below.

**Text:**

~~Indicates Matter Stricken~~  
Indicates New Matter

**Text:**

103-102(5). Charter Bus. ~~“Charter Bus” means a motor vehicle carrying 16 or more passengers. However, a limousine shall not be considered to be a charter bus.~~ “Charter Bus” is a passenger carrier equipped to carry sixteen (16) or more passengers.

103-102(31). Equipped to Carry. “Equipped to carry” means the number of passengers a vehicle is capable of carrying based on the number of seatbelts in that vehicle. If seatbelts do not exist in or cannot be located by ORS Inspectors, ORS may alternatively calculate the number of passengers a vehicle is capable of carrying by utilizing the method set forth in the Federal Transportation Regulations to determine “seating capacity” pursuant to 49 C.F.R. §387.29. Efforts to circumvent regulation or proper licensing by removing or altering the number of seatbelts in a vehicle and/or otherwise altering the seating configuration will not absolve the carrier from failing to obtain the proper certificate from the commission.

103-102(32). Passenger. "Passenger" means every person carried or riding in a motor carrier, including the driver.

**Fiscal Impact Statement:** There will be no increased costs to the State or its political subdivisions.

**Statement of Rationale:** The purpose of promulgating Regulations 103-102(5), 103-102(31), and 103-102(32) is to create uniformity and delete ambiguity in the Commission's regulations. The proposed regulations delete unnecessary language and provide guidance to the public when implementing and executing the Commission's regulations. There was no scientific or technical basis relied upon in the development of this regulation.